IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 12TH OCTOBER 2006 / 20TH ASWINA 1928

Bail Appl..No. 6103 of 2006(U)

CRIME NO.434/2006 OF KOTTAYAM EAST POLICE STATION

PETITIONER/ACCUSED

ULLSAN P.K., S/O.V.K.THANKAPPAN,
VATTAVELIL HOUSE, VADAVATHOOR P.O.,
KOTTAYAM.

BY ADV. SRI.SURIN GEORGE IPE

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

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B.A. No. 6103 of 2006

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Dated this the 12th day of October, 2006

O R D E R

The petitioner is apprehending arrest in Crime No.434/2006 of Kottayam East Police Station, for the offence punishable under Section 55(a) of the Abkari Act. The police personnel seized seven bottles of Indian Made Foreign Liquor, from his possession. The inspection was necessitated when the scooter in which the petitioner travelled met with an accident, near P&T Junction, Kanjikuzhi, Kottayam. The petitioner was taken to a hospital. The police registered the case on finding the materials in the scooter.

2. When the application came up for consideration, the learned counsel for the petitioner, produced the Ex-servicemen identity card, issued by the District Sainik Welfare Officer, Kottayam, as well as the copies of the bills, having purchased eight bottles of liquor from the N.C.C Group Head Quarters, Kottayam. Further, a copy of the Kerala Gazette,

containing G.O.(P)No.173/2002/TD, dated 30/11/2002, also is produced, which reveal that Ex-servicemen are entitled to possess their quota of liquor, subject to production of their identity cards and bills, regarding the issue of the same, so that the officers, inspecting or seizing the materials could verify the same with the canteen officer, who issued the liquor.

3. The prosecution concedes that the G.O dated 30/11/2002, had been incorporated in the Abkari Act.

4. In the above fact situation, it can be inferred that the petitioner is entitled to keep the eight bottles, which he had purchased from the N.C.C Group Head Quarters canteen, at Kottayam, and, therefore, the same was not possessed in violation of the provisions of the Abkari Act.

5. In view of the above facts, if the petitioner is arrested in connection with Crime No.434/2006 of Kottayam East Police Station, he shall be released on bail, on his executing a bond for Rs.10,000/- (rupees ten thousand only), without sureties, to the satisfaction of the Investigating Officer, arresting him.

6. If the Investigating Officer, requires the

petitioner for interrogation, in connection with Crime No.434/2006 of that Police Station, notice shall be issued to the petitioner and, in which event, he shall appear before the Investigating Officer, and state the facts, together with the documents, which are available, as have been produced before this Court, along with this bail application.

(J.M.JAMES)
Judge

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